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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,016	01/12/2001	Russell E. Parks	FIS9-2000-0282	1797
30743	7590	10/12/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/759,016

Applicant(s)

PARKS ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005 and 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

***Request for Continued Examination***

1. The Request filed on 8/31/2005 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/759,016 is acceptable and a RCE has been established. An action on the RCE follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. (US 6,408,337 B1).**
4. As per **independent Claims 1, 4, and 5**, Dietz discloses a (Web-based, computer system) Skills Matching Application (SMA) which allows a user to communicate requirements to technical service suppliers in a way that significantly reduces the process time and improves the accuracy of requests sent to suppliers comprising the steps of: means for accessing the SMA from a Requisition/Catalog (REQ/CAT) application (Abstract, computer system); means to compile a detailed statement of required skills and abilities for an employee (C8 L51-63, e-mail to vendor); means for selecting suppliers (C8 L27-38); means for submitting a notification to contracted suppliers selected in said selecting step by e-mail notification ,

notifying the supplier that a new request has been entered into the SMA application (C5 L25-46, e-mail request); means for said suppliers to retrieve and review said detailed statement of required skills and abilities for an employee and submit a candidate against said detailed statement of required skills and abilities for an employee (C5 L25-46, review e-mail request from employer); means for receiving from a supplier a candidate or candidates with appended resumes as appropriate (C9 L5-17); and means for displaying for the user the supplier responses and associated resumes (C5 L25-46, receive and review vendor reply).

5. Dietz fails to expressly disclose means for prompting a user through a series of screens to enter a Statement of Work (SOW) and complete a skills detail checklist for each of the technical skills requested.
6. However, Dietz does disclose the ability of the Manager to Create a Work Assignment using the system, wherein the Work assignment includes detailed job needs (C6 L6-24, C9 L56-59), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to forward the work assignment file to the vendor, as part of the request for non-employee workers, for the advantage of ensuring consistent worker request formats by management.
7. As per Claims 2 and 6, Dietz discloses wherein the SMA and REQ/CAT applications are Web-based (C5 L23-25); however, Dietz fails to expressly disclose wherein the SMA Web site is provided for suppliers to access to view request details and submit a candidate or candidates.
8. However, Dietz does disclose wherein Vendors have limited access to the networked system (Fig.2, Claim 22), and it would have been obvious to one of ordinary skill in the art at the

time the invention was made to allow vendor access to the request for workers instead of forwarding the request to the Vendor by e-mail, for the purpose of streamlining communication between the employer and the Vendor.

9. As per Claims 3 and 7, Dietz discloses responding to a user's selection of a candidate or candidates by invoking an approval and procurement process (Figs.4A-4B).

### ***Response to Arguments***

10. Therefore, applicant's arguments filed 6/30/2005 have been fully considered but are moot in view of the new ground(s) of rejection.

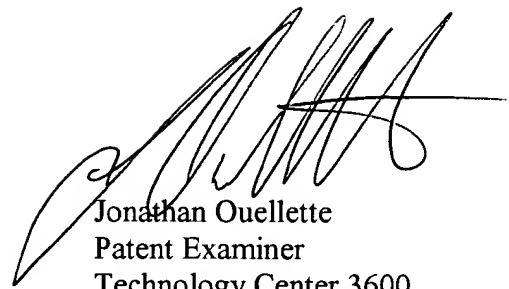
### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

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October 5, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600